

**Regular Meeting
Board of Zoning Appeals
June 3, 2009**

Chairman Jerry Uebelhor called the Regular Meeting of the Board of Zoning Appeals to order at 6:30 p.m. Secretary Brad Schnarr took roll call as follows:

Chairman Jerry Uebelhor	-Present	Randy Mehringer	-Present
Vice Chairman Bob Wright	-Present	Bob Cook	-Present
Secretary Brad Schnarr	-Present	Bldg. Comm. Dave Seger	-Present
Daniel Beckman	-Present	Atty. Sandy Hemmerlein	-Present

PLEDGE OF ALLEGIANCE

Chairman Uebelhor led the Pledge of Allegiance.

APPROVAL OF THE MINUTES

Minutes of the May 6, 2009 Regular Meeting were reviewed. Randy Mehringer made a motion to approve the minutes as mailed. Bob Cook seconded it. Motion carried 6-0.

STATEMENT

Chairman Uebelhor read the following statement. "We are now ready to begin the public hearings scheduled for this evening. With respect to tonight's meeting and public hearings, we are hereby incorporating by reference into the record of tonight's meeting and public hearings, City of Jasper Ordinance Number 1993-17, entitled "Zoning Ordinance of the City of Jasper, Indiana and its jurisdictional area" and any and all amendments thereto. Audio and videotapes of these proceedings are also incorporated by reference into this evening's record."

OLD BUSINESS

Petition of Patrick M. Nordhoff for a variance to build two duplexes in an R-R (Rural Residential) zone.

Petition was withdrawn per letter submitted by Pat Nordhoff.

NEW BUSINESS

Petition of Jeremy and Bridget Fromme for a special exception to allow a Home Occupation (dog grooming business).

Jeremy and Bridget Fromme were present to request a special exception to operate a dog grooming business in the basement of their home at 1328 Kundek Street.

Grooming would be scheduled by appointment only, with approximately eight dogs a day. The hours of business would be 8:00 a.m. to 5:00 p.m. Each appointment would take 45 minutes to one hour. Ms. Fromme does not intend to have any employees other than herself.

Signage was discussed and Ms. Fromme was advised that she is allowed a maximum of four square feet. Ms. Fromme intends to put a sign in the yard that displays her logo and directional information.

Secretary Schnarr said his concern in allowing a dog grooming business in a residential zone is the volume in parking. In his opinion, home occupations should be considered for those who want to work from an office in their home, where there is no traffic in or out.

Bridget Seaton, adjacent property owner, appeared before the Board to voice her concern about parking. Ms. Seaton said Kundek Street is very narrow and she would like some assurance that parking would not be an issue.

Ms. Fromme said there is parking available for three cars on the driveway, along with a few more available on the street. However, Ms. Fromme said with no more than two cars there at a time, there should be adequate parking. Also, each customer would only be there a few minutes to drop off and pick up their pet.

With no more discussion, Vice Chairman Wright made a motion to close the public hearing. Daniel Beckman seconded it. Motion carried 6-0.

Vice Chairman Wright made a motion to grant a special exception to allow a Home Occupation (dog grooming business) at 1328 Kundek Street. Daniel Beckman seconded it. Secretary Schnarr voted against the motion. Motion carried 5-1.

Petition of Terry J. Birk (Co. Ex.) and Janet L. Howe (Co. Ex.) and Michael J. Hicks, buyer and petitioner for a special exception to allow a Home Occupation (Yoga School).

Surveyor Ken Brosmer was present on behalf of Michael Hicks to request a special exception to operate a Yoga School at 580 Riverside Drive. Mr. Hicks is purchasing the home and plans to utilize the front living area of the home as a yoga studio.

Mr. Hicks introduced Tina Drew, also present, as the yoga instructor. When asked if Ms. Drew would be an employee, Mr. Hicks replied that she would be an independent contractor. He also said that he recently received his license for massage therapy and intends to start accepting clients at the home.

There was some confusion between the Board and the petitioner regarding exactly what Mr. Hicks was requesting. He explained that his plans are to relocate *Fire Horse Yoga Massage and Wellness*, currently operating at 513 ½ Main Street, to his new residence on Riverside Drive. It was his intent to have scheduled yoga classes, along with massages and wellness programs, similar to how *Fire Horse* is presently operating.

According to how the public hearing was submitted, the Board was not aware of anything other than Yoga. Also, the Board explained that under the rules of a Home Occupation, Ms. Drew would need to be an employee, not an independent contractor.

As it currently stands, Mr. Hicks does not qualify for a Home Occupation and was

advised to withdraw his petition and apply instead for a variance to operate a business in a residential zone. Mr. Hicks took the Board's advice and withdrew his petition.

With no further discussion, Secretary Schnarr made a motion to adjourn the meeting. It was seconded by Bob Cook. The motion carried 6-0, and the meeting was adjourned at 7:16 p.m.

Jerry Uebelhor, Chairman

Brad Schnarr, Secretary

Kathy M. Pfister, Recording Secretary